

September 30, 2004

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 97-80

Dear Ms. Dortch:

On Thursday, September 30, 2004, Mark Coblitz, Comcast Corporation's Senior Vice President, Strategic Planning, and William Check and Neal Goldberg of the National Cable & Telecommunications Association ("NCTA"), met with Ken Ferree, Chief of the Media Bureau and William Johnson, Mary Beth Murphy, Deborah Klein, Steven Broeckert, John Wong, Mike Lance and Natalie Roisman of the Media Bureau staff. During the meeting, we discussed why the July, 2006 ban on cable operator deployment of integrated set-top boxes should be eliminated.

The discussion reflected the arguments previously made by NCTA and others in written submissions in the above-referenced docket. In particular, we stressed the need for an expeditious Commission decision since equipment orders need to be placed promptly if CableCARD-enabled set-top boxes must be deployed in July, 2006. We explained that the FCC's adoption of rules requiring support for CableCARD-enabled devices and the cable industry's implementation of the 2002 MSO-CE manufacturer agreement on "Plug and Play" DTV products have fundamentally changed the basis for the ban on integrated set-top boxes. The ban would limit consumer choice and impose a tax on cable customers, who will have to pay more for equipment that may not be best suited to meet their needs. Specifically we made the following points:

- The cable industry has made a firm commitment to facilitate new retail distribution channels and to support CableCARD-enabled devices, as exemplified by its implementation of the 2002 MSO-CE Manufacturer Agreement on "Plug and Play" DTV Products.

- As evidence of its commitment to retail availability, the cable industry has invested extraordinary energy, time, and money in the success of CableCARD-supported digital television sets.
- The FCC Rules implementing the MSO-CE Agreement require digital cable systems to support CableCARD-enabled devices, obviating the need for the costly integration ban which arguably served that purpose.
- A ban on integrated set-top boxes would substantially increase equipment costs (and monthly lease prices) and reduce equipment options for consumers.
- The two-way MSO-CE negotiations are proceeding at a timely pace given the constraints imposed on them
- The Integration Ban may stymie the development of a low-cost digital set-top box and a prompt digital transition

We also provided copies of a September 7, 2004, Memorandum that NCTA had previously submitted to the Bureau in response to Bureau requests for information about the deployment of CableCARDS. A copy of that Memorandum is attached.

If you have any questions, please contact the undersigned.

Sincerely,

/s/ Neal M. Goldberg

Neal M. Goldberg

Attachment

cc: Ken Ferree
William Johnson
Mary Beth Murphy
Deborah Klein
Steven Broeckaert
John Wong
Mike Lance
Natalie Roisman
Susan Mort

MEMORANDUM

To: Tom Horan

From: Neal Goldberg

Subject: CableCARD Information Request

Date: September 7, 2004

On August 16, 2004, you asked if I could provide you with information from the top 10 Multiple System Operators ("MSOs") regarding CableCARD deployment and related information as of September 1, 2004. You subsequently agreed that the information provided would be the most current we could obtain as of August 2004. Specifically, in your August 16, 2004 email, you asked me to provide you with information on:

- “(a) the number of CableCARDS deployed to consumers by the top 10 MSOs as of 9/1/2004;
- (b) how CableCARDS are being made available to consumers (*e.g.*, mail, truck roll, etc);
- (c) what fees, if any, are being charged to consumers; and
- (d) MSOs’ efforts to educate their subscribers about the availability of CableCARDS.”

Per your request, a survey was taken of the top ten MSOs: Comcast Cable Communications, Time Warner Cable, Charter Communications, Cox Communications, Adelphia Communications, Cablevision Systems Corporation, Bright House Networks, Mediacom Communications Corp., Insight Communications, and CableOne. The answers we received are described below.

CableCARDS Deployed: As of August 2004, there were approximately 700 CableCARDS deployed by the top 10 MSOs. Although some MSOs began offering and installing CableCARDS in advance of the July 1, 2004 regulatory deadline requiring support for Unidirectional Digital Cable Products ("UDCPs"), this technology has only been in the consumer marketplace for about 60 days. The large consumer electronics manufacturers have told us that they will be promoting CableCARD-enabled DTVs this fall, promotions that we are only now beginning to see. Although more than 60 new "Digital Cable Ready" ("DCR") DTV models from 11 different independent manufacturers now have been verified or self-verified, these DTV products are only gradually moving into retail. To date, CableCARDS have been successfully installed in retail DTVs manufactured by Panasonic, Sony, Mitsubishi, Sharp

(whose models are just beginning to appear at retail), and Samsung (in employee sets, just before they become available at retail.)

On June 22, 2004, NCTA President and CEO Robert Sachs sent a letter to CEA President and CEO Gary Shapiro, advising him that, should he or his members become aware of instances where a consumer encounters difficulties in obtaining a CableCARD from their local cable operator, "NCTA stands ready to work with cable operators to correct any problems." A copy of that letter is attached. To date, NCTA has not received any requests for assistance from Mr. Shapiro, CEA or any CE companies.

CableCARD Installation: As with any new technology, in deploying CableCARDS, cable operators have been navigating through some start-up issues. When the cable industry launched cable modems, installations required a truck roll and technicians visiting homes to perform installations. After new products stabilize, operators try to move to systems of self-installation, as they have with cable modems. The cable industry launched digital set-top boxes, DVRs and VoIP mail servers in the same way. Likewise, operators are beginning support for UDCPs with on-site visits to their customers. Currently, virtually all CableCARDS are being distributed by dispatching a technician (*i.e.*, a "truck roll"). This has been necessary to resolve some technical issues with first-generation Digital Cable Ready products.

For example, in one DCR television model, the pins in the CableCARD slot inside the TV bend when you try to insert a CableCARD, due to a solder temperature error in the manufacture of the TV set. There are no plans for a recall of this DTV, so the issue has to be handled by a technician in the field. Another DCR television model (self-verified by the manufacturer) will not boot with CableCARDS that work in other manufacturers' DTV sets. The manufacturer has devised a code update to repair it, but the affected DTVs are in retail warehouses, and the manufacturer has no means to update the sets until after consumer purchase.

Visits to homes by cable technicians to install CableCARDS have helped cable operators prevent enormous consumer confusion and dissatisfaction with Digital Cable Ready products. In addition, some MSOs (*e.g.*, Time Warner Cable) have trialed CableCARD self-installations by subscribers. As the industry gains greater experience and manufacturers work bugs out of their UDCPs, we expect operators to move to a system of self-installation.

CableCARD Fees: The monthly equipment fee charged to subscribers for a CableCARD ranges from no monthly charge to \$2.95 a month.

Consumer Education: The Commission has previously expressed concern over possible deficiencies in pre- or point of sale material about UDCPs provided in the retail consumer electronics marketplace. Although cable operators are seldom present at the retail point of sale of UDCPs, the industry has gone to great lengths to educate customers about the availability of CableCARDS and the functioning of UDCPs. These efforts include:

- Training Customer Service Representatives (CSRs) and technicians about the new products and the availability of CableCARDS. As noted above, more than 60 new DTV models from 11 different independent manufacturers now have been

verified or self-verified for compliance with the Unidirectional Digital Cable Product test suite for Digital Cable Ready televisions and DVRs. These major manufacturers are: Hitachi, LGE (Zenith), Mitsubishi, Panasonic, Philips, Pioneer, Samsung, Sharp, Sony, Thomson, and Toshiba. Thousands of Customer Service Representatives and Field Technicians were trained to support this ever-growing number of UDCPs – all of which have their own unique set-up menus, connectors, and remote controls. Training rooms are so stocked with UDCPs that they are, in the words of one MSO employee, “starting to look like Circuit City.”

- Ensuring CSRs provide accurate and consistent answers to subscriber inquiries,
- Putting information on their company Web sites. *See, e.g.,* Time Warner Cable [<http://www.timewarnercable.com/corporate/products/digitalcable/cablecard.html>]; Cablevision [http://www.io.tv/index.jhtml?pageType=questions_and_answers&qatype=cablecard]
- Placing messages in monthly bills.
- Working with local retailers, such as Best Buy, Circuit City and Harvey's Electronics.
- Providing informational material such as the attached Time Warner Cable brochure on CableCARDS (used by Time Warner employees as an informational resource when communicating with customers or retailers).
- Providing retailers and consumers with information about the services provided by cable operators that are available at a given consumer address through the CableLabs Go2Broadband service. The Go2Broadband site provides results for each address, including the DCR logo and the phrase “Digital Cable Ready” indicating that the system supports UDCPs.
- Establishing “troubleshooting” conference calls between MSOs and CE technicians – although not required under any agreement or order – first on a bi-weekly basis and now on a weekly basis. Armies of cable engineering personnel, from field technicians to corporate engineers, have continued to spend time troubleshooting and fixing UDCPs as they appear in consumer homes. Various MSOs have also participated with CE companies in on-site troubleshooting at their headends or individual MSO labs and CableLabs has partnered with MSOs and CE companies to do troubleshooting at CableLabs’ facilities.

In addition, there have been other industry-wide efforts.

- Earlier this year, the top ten MSOs (on an individual basis) and Panasonic conducted an advertising campaign touting HDTV; the ads included a reference to select models being CableCARD ready.
- Last year, NCTA created a short background document on CableCARDS that was distributed to cable operators to assist them in creating customer communications materials.

- More recently, the Cable/CE Consumer Awareness group, consisting of representatives of MSOs, CE manufacturers and retailers, wrote a longer reference paper on Unidirectional Cable Ready Products to facilitate common understanding and messaging across industries. A copy of that paper is attached.

As you can see, cable operators are going to great lengths to make sure their customers have accurate information about what UDCPs do and where they are available. Cable companies who signed the December 2002 Memorandum of Understanding (“MOU”) which led to the FCC “Plug & Play” rules, agreed to do this and have fulfilled their commitments. In fact, those companies and others are going beyond the agreements in the MOU and providing extensive education, troubleshooting, and field support to help make these UDCPs successful.

I trust this information is responsive to your request. If you need additional information, please do not hesitate to contact me.



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

ROBERT SACHS PRESIDENT & CHIEF EXECUTIVE OFFICER

1724 MASSACHUSETTS AVE N.W. WASHINGTON, D.C. 20036-1903

TEL: 202.775.3651 FAX: 202.775.3695

June 22, 2004

Mr. Gary Shapiro
President & CEO
Consumer Electronics Association
2500 Wilson Boulevard
Arlington, VA 22201-3834

Dear Gary:

As we recently discussed by phone, NCTA would like to do everything possible to ensure that the rollout of digital TV's with CableCards proceeds smoothly.

As with any new launch, with more than 10,000 local cable systems, some small bumps in the road can be anticipated as systems add new products or services. However, cable operators have been upgrading headend facilities and taking delivery of CableCards in an effort to be ready to fulfill customer requests. Customer service representatives and installers are also being educated about CableCards.

Should you become aware of any instances where a consumer encounters difficulties obtaining CableCards from their local cable system, NCTA stands ready to work with cable operators to correct any problems. I've asked NCTA General Counsel Neal Goldberg and Senior Director of Science & Technology Andy Scott to be contact points for CEA. They may be contacted directly at 202-775-3664 and 202-775-3637.

Let's stay in close touch on this. If there's any way we can be of further assistance, please let me know.

Best regards,

Features	CableCARD™	Digital Cable Box
Basic & Digital Cable Channels	YES	YES
Crystal Clear Picture & Sound	YES	YES
Premium Channels: HBO, Showtime, Cinemax, Starz!, TMC	YES	YES
High Definition (HD) Channels	YES	YES
Pay-Per-View (PPV)	NO	YES
Two-Way Programming and Services, including: - Interactive Program Guide	NO	YES
- On Demand with iCONTROL, such as Movies On Demand, Premiums On Demand, etc.	NO	YES
- Season Sports Packages, such as <i>NBA League Pass</i>	NO	YES
- Interactive and Enhanced TV services, such as Games, Interactive News, etc.	NO	YES

- A Digital Cable Ready device is required for use with a CableCARD.
- Provides access to analog and digital cable TV, HD programming, and subscription to premium channels.
- Does not provide access to PPV, two-way programming and services, such as Interactive Program Guide, Movies On Demand, Premiums On Demand, and Season Sports Packages.
- Works exclusively in your local Time Warner Cable viewing area.
- Activated, serviced, and leased monthly through Time Warner Cable.



Contact Customer Care:

Time Warner Cable
801 Plymouth Avenue North
Minneapolis, MN 55411



CableCARD™

Important Information For You

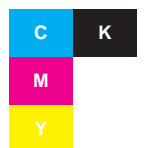
promotion							On Line	On Paper	On Target
	OPS	PRF	CW	ACD	CD	MKT	AD		
OK									
W/C									
RS									

TIME INC. CONSUMER MARKETING
FILE NAME: 04DWRMAT_FL
DESC: TWC Card Revisions
JOB TYPE: Revision
AD/TEL: John Beyruti 6288
COMPONENT TYPE: Brochure
TRIM: 8.5 x 14

FOLDED SIZE: 8.5 x 3.5
CREATIVE DIR: John Beyruti 6288
STOCK: 60# White Coated cover
FINISHING: John Beyruti 6288
MARKETING: Zoe Starr 203-351-2011
OPERATIONS: Sharon Proctor 3405
DATE: 6/24/04 - 4:23 PM

CREATED: 12/17/03 - 5:53 PM
PRINT SCALE: 100%
PICKUP#: 03MWRMAF_FL
COLORS USED: Black, Cyan, Magenta,
 Yellow
COLORS FRONT/BACK: 4/4
Send Proof To NY: Yes

NOTES:
Page#: 1





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Unidirectional Cable Ready Products

Consumer Information
Reference Paper

July 2004



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Introduction

This paper is a collaborative product of representatives from the cable, consumer electronics and retail industries. It is intended to serve as a reference for parties in those industries in preparing their communications to their customers (consumers). This paper is not intended to be distributed to the press or to consumers. It describes the capabilities of unidirectional Digital Cable Ready (DCR) products and the logistical processes consumers will follow in obtaining and enjoying digital cable service using a DCR product.

1. Background and Overview

In September 2003, the Federal Communications Commission (FCC) adopted regulations defining the required features of products marketed as Digital Cable Ready (or any other terms to that same effect); technical standards for digital cable networks to support DCR products; and parameters for content protection by multichannel video programming distributors (MVPDs) including cable and satellite operators. These regulations were based on a proposal from the cable and consumer electronics industries in December 2002. At that time these industries also created a private license agreement for some essential DCR technology, and a Memorandum of Understanding addressing market data reporting and other non-regulatory issues.

The FCC's DCR rules set standards under which consumers will be able to buy DCR digital televisions, digital video recorders and other similar devices that connect to cable systems with the help of a CableCARD™ device. Customers who choose to receive cable service with a new DCR product will be able to receive unidirectional digital programming, including high definition television (HDTV) programming, without the need to purchase or lease a set-top box. The current rules and agreements concern unidirectional DCR products which are incapable of receiving two-way interactive cable products and services such as the cable operator's interactive program guide, Pay Per View, and Video on Demand service without a digital set-top box. Discussion of standards and rules for two-way Interactive DCR products which support the full suite of cable operators' products and services are currently under way between the cable operators and the consumer electronics industry.

What does Digital Cable Ready mean?

A DCR product is a digital TV, digital video recorder or other device capable of receiving unscrambled analog, digital basic and digital premium cable television programming by direct connection to a cable system providing such programming. This device can receive unencrypted or unscrambled video signals through direct connection to the cable system with no additional required component. To receive encrypted digital services, the device needs a CableCARD™ supplied by the cable operator which fits into a slot on the DCR product. DCR products that are available to consumers now or have been publicly announced for release in the near future include digital televisions (DTVs) and digital video recorders.

What does Plug-and-Play mean?

Plug-and-Play is another term for DCR used during the cable and consumer electronics industry discussions and the FCC's rulemaking proceeding. The generic term for these products is DCR.

How does DCR benefit consumers?

DCR enables consumers to receive digital programming, including HDTV signals, without a set-top box and will allow for an array of new devices, such as various kinds of digital recorders, to be easily connected to cable networks.

2. Technical Background and Terminology

Many of the terms and technologies involved in DCR are not familiar to consumers and the press. Consistency in explanations is important to reduce the potential for confusion.

How does a DCR television work?

In addition to the electronics typically found in most television sets, a DCR product incorporates many of the same electronics found in a digital set-top box. The only exception is that a DCR product does not itself contain technology that will allow the television to display encrypted digital signals. Such decryption technology is instead built into the CableCARD™. Since cable operators encrypt most digital cable signals (other than, e.g., retransmitted local broadcast digital TV programming), a CableCARD™ must be inserted into a DCR product in order for that product to receive most digital cable programming.

What is a CableCARD™?

The term CableCARD™ is a term that has been adopted by the cable industry for the security device, which is the interface module between the cable head end and the customer's DCR product. This device is used to decrypt encrypted digital programming that the customer is authorized to receive. The term CableCARD™ is used with the permission of CableLabs.



The CableCARD™ replaces the set-top box and enables consumers to view encrypted digital programming. It electronically binds with the DCR product to decrypt digital programming via a method that is also secure for copy protection purposes.

What can a DCR product receive?

A DCR product equipped with a CableCARD™ can receive unscrambled analog cable, digital basic cable, and digital premium cable services without a set top box (STB). It cannot support two-way interactivity and does not provide access to cable operator interactive program guides, Video on Demand services, pay-per-view movies or special events, or interactive TV (iTV) services. The cable and consumer electronics industries are currently working together to create a technical framework which will provide a foundation for DCR products that support the full suite of cable operators' products and services.

Services/Features	Available via
Unscrambled analog channels	Both DCR and STB
Digital basic channels	Both DCR and STB
Digital premium programming	Both DCR and STB
Pay Per View	STB only
Video on Demand	STB only
Interactive Program Guide (cable generated**)	STB only
Two-way interactive products and services	STB only

* A DCR product can receive high definition digital basic and premium services, although the DCR product must include within it (or be connected to) a high definition display in order to display the picture in high definition.

* DCR products may afford access to independently supplied program guides.

Can DCR products receive Pay Per View programming?

Yes, but cable operators have generally phased out such telephone-based Pay Per View ordering systems in favor of Video-on-Demand – a two-way, interactive cable service which is not accessible by a DCR without a set-top box.

Are all TVs with an integrated digital tuner considered to be DCR TVs?

No. A DCR TV (like any DCR product) must have a built-in technology that enables it to receive encrypted digital programming via its interface with a CableCARD™ and without the need for a set-top box. Under FCC rules, all DCR TVs are required to be able to receive over-air digital signals with a suitable antenna. However, such a TV without a CableCARD™ interface is not Digital Cable Ready.

Some TVs with an integrated digital tuner receive only an over-air digital signal. The tuner in these TVs may also be referred to as an ATSC Tuner, 8-VSB tuner or broadcast tuner. Also, in the past few years, some TVs have been marketed that have a combined over-air and cable tuner that can receive unencrypted digital cable signals. A cable set

top box will have to be installed for these TVs to receive encrypted digital cable programming and interactive digital cable products and services. To summarize, only TVs that comply with the FCC's DCR regulations (and therefore have a CableCARD™ slot) are Digital Cable Ready.

What is the CableCARD™ activation procedure?

An activation screen appears on a DCR television once the CableCARD™ is inserted into the DCR product. Information presented on the screen is needed in order to authorize services through the CableCARD™. The Cable Field Service Technician must provide this information to the Cable Customer Service Representative in order to properly authorize the CableCARD™ and electronically bind it to the DCR product. In the future, if retail provisioning or self provisioning is supported, the retail associate or customer would provide the required information to the Cable Customer Service Representative to authorize the CableCARD™. The activation screen will include the CableCARD™ ID as well as the Host ID of the DCR product, in addition to a Data number for Motorola systems. An activation screen is generated by the CableCARD™. The following are examples of what it may look like:

Motorola:

In order to start cable service for this device, please
contact your cable provider:

CableCARD™ ID: XXX-XXX-XXX-XXX-X
Host ID: XXX-XXX-XXX-XXX-X
Data: XXX-XXX-XXX-XX

Press Menu to return to the Set Up Screen

Scientific-Atlanta:

In order to start cable service for this device, please
contact your cable provider:

CableCARD™ ID: XXX-XXX-XXX-XXX-X
Host ID: XXX-XXX-XXX-XXX-X

Press Menu to return to the Set Up Screen

What is DFAST?

DFAST is the acronym for Dynamic Feedback Arrangement Scrambling Technique. DFAST is the system that enables a DCR product (also called the Host device) to communicate securely with a CableCARD™. Through this communication, the CableCARD™ is able to send all authorized services to the Host device. For services that carry copy protection restrictions, the CableCARD™ activates DFAST encryption to protect the content when it is passed to the Host device.

The manufacturer of the DCR product obtains the right to use the DFAST technology from CableLabs through a license agreement (either the DFAST License Agreement or the POD-Host Interface License Agreement, “PHILA”). The license for the DFAST technology requires that DCR products be produced with limited vulnerability to tampering and with a certain degree of robustness.

Why is some programming recordable and some programming not recordable?

As a part of the regulations for DCR, the FCC has permitted programmers to activate copy protection of some digital content; the DFAST and PHILA license agreements require DCR products to respond to copy protection directives distributed with the programming. This copy protection allows programmers to limit the programming that the end consumer can copy digitally. Copy protection directives are signaled through Copy Control Information embedded in the digital content and may be “Copy Never,” “Copy One Generation (i.e., no copy of a copy can be made),” “Copy No More” or “Copy Freely.” The FCC’s rules permit programmers to mark various categories of programming up to specified maximum copy protection levels, according to the following table:

Services	Copy Availability
Over the air broadcasting	Copy Freely
Pay television, non-premium subscription television, and free conditional access delivery	Copy One Generation*
Video on Demand, Pay Per View	Copy Never
Subscription-on-Demand (SVOD)	To be determined

* The copy may also be “moved” to a home network device; any such copy is automatically deleted from the device on which it was originally recorded.

Are Parental Controls provided with DCR service?

Yes. DCR products, like all TV receivers (except those below 13 inches screen size), are required by the FCC to respond to ratings codes embedded in the content by the programming provider. However, without a set-top box, the customer would not have access to the Parental Controls features of the cable operator's interactive program guide. Instead, the customer would rely on the Parental Controls feature of the TV.

3. Logistics and Customer “How To” Information

This section provides answers to questions that consumers may ask about DCR.

Does my local system support DCR products?

DCR products are supported by technology in the cable plant. Most digital cable systems have been required by the FCC to install such technology and support CableCARD™ and DCR products since July 1, 2004. Check with your local cable office to determine whether CableCARD™ devices and DCR products are currently supported in your area. This information can also be found from the cable industry's Go2Broadband website. <http://cpss.go2broadband.com>.

How do I obtain a CableCARD™?

Since Cable operators may have different approaches for obtaining a CableCARD™, call your local operator to determine their distribution procedure.

How much does a CableCARD™ cost?

Cable operators make pricing decisions locally so you will have to check with your local cable operator for the charge, if any, for a CableCARD™.

How is the CableCARD™ installed?

A field technician will install the CableCARD™. In the future, it may be possible for customers to self-install the device or receive authorized assistance, e.g., from retailers.

How is the CableCARD™ activated?

A field technician will activate the card upon installation.

Will my CableCARD™ work in another DCR product?

After your CableCARD™ is installed and initialized by a field technician, the CableCARD™ is electronically bound with the original DCR product in which it was

installed. In order for your CableCARD™ to operate properly in another DCR product, the CableCARD™ has to be installed in the new device by an authorized technician.

What happens if I move?

If you move out of your cable service area, you must return the CableCARD™ to your cable operator. The CableCARD™ will not work in other cable systems. If you move within your current cable service area, contact your cable operator's Customer Service Representative to notify them of your move. They will be able to help you through the service transfer process.

What happens if I return or exchange my DCR product?

You should contact your cable operator about returning the CableCARD™ before you return the DCR product.